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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,942	08/10/2001	Yoshio Satoh	21.1966-CRE-C	6889

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EXAMINER

SUMMONS, BARBARA

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,942

Applicant(s)

Sato et al.

Examiner

Barbara Summons

Group Art Unit

2817

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 (three) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on 7/25/02 (Amend C) IDS, 10/4/02 (Amend D) IDS, & 12/16/02 (Amend E) IDS

☒ This action is FINAL.

- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1, 6 and 22-37

is/are pending in the application.

Of the above claim(s)

is/are withdrawn from consideration.

☒ Claim(s) 1, 6, 22-33 and 35-37

is/are allowed.

☒ Claim(s) 34

is/are rejected.

☐ Claim(s)

is/are objected to.

☐ Claim(s)

are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 10, 11 & 13 ☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

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REISSUE/DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities:

Claim 6 was amended in the amendment received 7/25/02 to correct improper underlining and bracketing on line 13. However, the correct underlining of "multiple" on line 9 was inadvertently removed (see claim 6 in the amendment received 8/10/01).

Therefore, In claim 6, on line 9, note that "multiple" should be underlined as an addition to the original claim. Appropriate correction is required.

Withdrawn Claim Rejections

2. Applicants' amendment received 7/25/02 added a limitation (i.e. "on a LiTaO₃ substrate") to claims 22 and 23, and has overcome the rejection of claims 22 and 23 under 35 U.S.C. § 251.

New Grounds of Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 34 is rejected under 35 U.S.C. § 102(b) as being anticipated by Tabuchi et al. EP 0 422 637 A2 (cited by Applicants on the IDS received 7/25/02).

Figs. 2A, 8 and 9 of Tabuchi et al. disclose a band-pass filter [the duplexer of Fig. 2A] having a pair of input terminals (i.e. at the antenna, one of the pair being ground is not shown see

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Figs. 8 and 9) and plural pairs of output terminals RX and TX (note: SAWs are bidirectional so input/outputs are interchangeable) comprising: a pair of SAW filters 3 and 4 (see col. 6, lns. 35-41 and 54-57) having respective transmitting and receiving pass bands; wherein each of the pair of filters 3 and 4 has a pair of input terminals (61,61')[Figs. 8 and 9], and a pair of output terminals (62,62'), and a plurality of SAW resonators connected in multiple ladder structure formed by series arms and parallel arms (see e.g. col. 10, lns. 16-37); wherein the pair of band-pass filter input terminals (i.e. from the antenna) are commonly connected to the pairs of input terminals (i.e. 61 and 61') of both filters 3 and 4; and the plurality of pairs of band-pass filter output terminals (RX and TX) are connected to the respective pairs of output terminals (62 and 62') of the pair of SAW filters 3 and 4.

Allowable Subject Matter

5. Claims 1, 6, 22-33, and 35-37 are allowable over the prior art of record.

6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1, 6, 24, 25, 29, and 30, the reasons for indication of allowable subject matter remain as stated in paragraph 7 of the prior Office action mailed 5/3/02. Regarding claims 22 and 23, these claims have now been amended to correct an error correctable by Reissue, and the prior art of record does not disclose or suggest a SAW filter having each of the recited features in the same manner as the prior art failed to disclose the combinations of features in similar now broader claims 5 and 6 of the related U.S. 5,559,481 Patent. Regarding new claims 35, 36, and 37, the prior art of record does not disclose or fairly suggest a SAW band-pass filter

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having each of the recited features in the same manner as the prior art failed to disclose the combinations of features in similar broader claim 4 of the parent reissue, now U.S. 37,790.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication should be directed to Barbara Summons at telephone number (703) 308-4947, FAX no. (703) 308-7724, receptionist's no. (703) 308-0956, Supervisory Examiner Bob Pascal (703) 308-4909.



Barbara Summons
Primary Examiner
Art Unit 2817

bs
May 30, 2003